

**VOLUNTARY CLEANUP PROGRAM
BOILERPLATE OPINION LETTER**

**OPINION ON
PROPOSED CLEANUP ACTION**

July 2005

[DATE]

[CLIENT NAME]

[STREET ADDRESS]

[CITY, STATE POSTAL CODE]

Re: Opinion under WAC 173-340-515(5) on Proposed Cleanup Action for the following Hazardous Waste Site:

- Name: [SITE NAME]
- Address: [SITE ADDRESS]
- Facility/Site No.: [SITE NUMBER]
- VCP No.: [VCP NUMBER]

Dear [CLIENT NAME]:

Thank you for submitting documents regarding your proposed cleanup action for the [SITE NAME] facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether your proposed cleanup action is likely to be sufficient to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

[CLIENT NAME]

[DATE]

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Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed cleanup action and, as applicable, any remedial actions previously conducted at the Site:

1. [Include any documents submitted to Ecology regarding the proposed cleanup action [DATE and AUTHOR(S)]]
2. [Include any independent remedial action reports submitted to Ecology [DATE and AUTHOR(S)]]
3. [Include any other documents and/or information reviewed by Ecology [DATE and AUTHOR(S)]]

The reports listed above will be kept in the Central Files of the [REGION] Regional Office of Ecology ([REGION ABBREV.]) for review by appointment only. Appointments can be made by calling the [REGION ABBREV.] resource contact at [PHONE NUMBER].

The Site is defined by the extent of contamination caused by the following release(s):

- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)];
- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)].

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above. [NOTE: The enclosure must include sufficient information to define the nature and extent of the contamination caused by the identified release(s). The enclosure should include both a written description of the Site and a detailed Site diagram. The diagram may be omitted only if one is neither available nor required to determine compliance with substantive requirements.]

Based on a review of your proposed cleanup action and supporting documentation listed above, **Ecology has determined that the proposed cleanup action [is / is not] likely to be sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.**

[If the proposed cleanup action is likely to be sufficient, then insert the following paragraph: **However, please note that this opinion does not represent a determination by Ecology that no further remedial action will be required at the Site.** To obtain such a determination, you must submit an independent remedial action report to Ecology upon completion of the cleanup action and request such an opinion under the VCP.]

[CLIENT NAME]

[DATE]

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[If the proposed cleanup action is **not likely to be sufficient**, then insert paragraph(s) that identify the substantive requirement(s) of MTCA not likely to be met and explain, as appropriate, why the proposed cleanup action is not likely to meet those requirement(s).]

Please also note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at [PHONE].

Sincerely,

[SITE MANAGER NAME]

[REGION ABBREV.] Toxics Cleanup Program

[AUTHOR INITIALS]: [SECRETARY INITIALS]

Enclosures: [NUMBER]